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Hon. Peggy Kuo
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201
Filed via ECF

January 26, 2023

RE: Gina Quinones vs. Liquid FBA Gold LLC
Docket No. 1:22-cv-05946-AMD-PK (Status Report)

Dear Judge Kuo:

Pursuant to the Court's January 23, 2023 Order, please allow this correspondence to serve as an update on the above referenced matter.

As background, this action was commenced on October 4, 2022 with Plaintiff alleging claims against Defendants for various wage related violations of the Fair Labor Standards Act and New York Labor Law.

Corporate Defendant, Liquid FBA Gold LLC, was properly served via the Secretary of State of New York on December 7, 2022 and affidavit of service filed on December 15, 2022. *See* Docket #7.

As to Individual Defendant, Simon Roffee, Plaintiff attempted served on several locations and dates:

- 1.) December 17, 2022 at 233 Beach 140th Street, Rockaway Park, New York 11694, where, upon information and believe, Mr. Roffee's personal residence was located, *See* Dkt. No. 10;
- 2.) November 30, 2022, 3603 Quentin Road, Brooklyn, New York 11234, the listed business address for Corporate Defendant, *See* Dkt. No. 8; and,
- 3.) December 8, 2022 and December 27, 2022, 6103 Strickland Avenue, Brooklyn, New York 11234, where, upon information and belief, Corporate Defendant maintained a second business address. *See* Dkt. No. 9.

As service of process duly effectuated on the Corporate Defendant and Plaintiff unable

to locate, even after numerous attempts, and serve the Individual Defendant, Plaintiff will be discontinuing without prejudice the action against the Individual Defendant and proceeding with a motion for default judgment against Corporate Defendant.

Plaintiff's decision is based upon on two factors. First, Plaintiff is extremely pessimistic on her ability to properly effectuate service upon the Individual Defendant. Second, Plaintiff does not want to delay any further the litigation of matter against Corporate Defendant. As the New York Labor Law has a six (6) year statute of limitations and Plaintiff is well within the six (6) years, Plaintiff plans on filing the Motion for Default Judgment against Corporate Defendant as soon as possible, but no later than forty-five (45) days, and upon a decision being rendered, initiate an action in State Court against the Individual Defendant.

I thank the Court for its attention to this matter.

Respectfully,

/S/

 Lawrence Spasojevich, Esq.
Attorney for Plaintiff